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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,059	12/30/2003	Robert R. Scott	7678.815	1212

22913 7590 05/16/2006

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EXAMINER	
WILSON, JOHN J	

ART UNIT	PAPER NUMBER
3732	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,059	SCOTT, ROBERT R.	
	Examiner	Art Unit	
	John J. Wilson	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4-11,14-16,23 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4-11,14-16,23 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/14/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-11/23, 14/23, 16/23 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970). Gordon shows in Fig. 10 a first elongated metallic heat sink portion 208 having a distal end in thermal contact with a light source 206 and extending from the light source through at least a portion of the housing to a handle 202 and a second metallic portion 314 in thermal contact with the first portion and extending through the handle portion. Gordon in the embodiment of Fig. 10, shows the second portion being metallic, and as such, does not show the second portion being a polymer based material, or that the polymer based material surrounds electric circuitry, however, Gordon teaches in the embodiment shown in Figs. 7-9 using a polymeric heat sink material 214 that surrounds electric circuitry 212, Fig. 9. Gordon further suggests that heat sink portion 314 can be "a metal (or other thermally conductive material)", [0044]. It would be obvious to one of ordinary skill in the art to modify the embodiment of Fig. 10, to include forming the second portion 314 out of a polymeric based material that surrounds electric circuitry as shown in the embodiment of Figs. 7-9 and as suggested at paragraph [0044] in order to provide the desired heat sink properties at the desired location. As to claim 4, see paragraph [0045]. As to claim

5, the specific type of material used is an obvious matter of choice in known materials to the skilled artisan. As to claim 6, see LED use at [0039]. As to claim 7, see lens, Fig. 6. As to claim 8, see external power 108, [0031]. As to claim 9, see battery [0029]. As to claim 10, see controls 28, 30. As to claim 14, Gordon teaches the alternative of using thermally conductive epoxy or metal in the grip 202 [0044].

Claims 2/23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970) as applied to claim 23 above, and further in view of Becker (2003/0081430). Gordon shows heat sink 316, however, does not show insulating between the metal heat sink and the housing. Becker teaches using an air gap between the heat sink 60 and the casing [0029]. It would be obvious to one of ordinary skill in the art to modify Gordon to include insulating with an air gap as shown by Becker in order to not dissipate excessive heat to the handle.

Claim 15/23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970) as applied to claim 23 above, and further in view of Martin et al (5213103). Gordon shows a heat conducting polymer, however, does not state the type, and in specific, does not state that it includes heat conducting particles. Martin teaches using epoxy containing heat conducting particles, column 4, lines 3-6. It would be obvious to one of ordinary skill in the art to modify Gordon to include heat conducting particles as shown by Martin in order better dissipate heat.

Claims 2/24, 4-11/24, 14/24, 16/24 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970) in view of Becker (2003/0081430). Gordon shows in Fig. 10 a first elongated metallic heat sink portion 208 having a distal end in thermal contact with a light source 206 and extending from the light source through at least a portion of the housing to a handle 202 and a second metallic portion 314 in thermal contact with the first portion and extending through the handle portion. Gordon in the embodiment of Fig. 10, shows the second portion being metallic, and as such, does not show the second portion being a polymer based material, or that the polymer based material surrounds electric circuitry, however, Gordon teaches in the embodiment shown in Figs. 7-9 using a polymeric heat sink material 214 that surrounds electric circuitry 212, Fig. 9. Gordon further suggests that heat sink portion 314 can be "a metal (or other thermally conductive material)", [0044]. It would be obvious to one of ordinary skill in the art to modify the embodiment of Fig. 10, to include forming the second portion 314 out of a polymeric based material that surrounds electric circuitry as shown in the embodiment of Figs. 7-9 and as suggested at paragraph [0044] in order to provide the desired heat sink properties at the desired location. Gordon shows heat sink 316, however, does not show insulating between the metal heat sink and the housing. Becker teaches using an insulating air gap between the heat sink 60 and the casing [0029]. It would be obvious to one of ordinary skill in the art to modify Gordon to include insulating with an insulating layer as shown by Becker in order to not dissipate excessive heat to the handle.

Claim 15/24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970) in view of Becker (2003/0081430) as applied to claim 24 above, and further in view of Martin et al (5213103). Gordon shows a heat conducting polymer, however, the above combination does not state the type, and in specific, does not state that it includes heat conducting particles. Martin teaches using epoxy containing heat conducting particles, column 4, lines 3-6. It would be obvious to one of ordinary skill in the art to modify the above combination to include heat conducting particles as shown by Martin in order better dissipate heat.

Response to Arguments

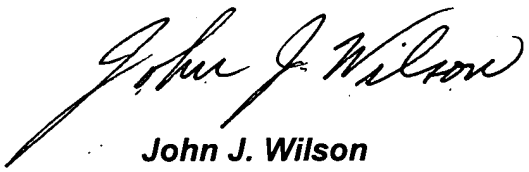
Applicant's arguments filed April 17, 2006 have been fully considered but they are not persuasive. Gordon teaches that the heat sink 314 can include "a metal (or other thermally conductive material)", [0044], and as such, one of ordinary skill in the art would have found it obvious to use the known type of heat sink material in that location in order to obtain the desired known properties. It is noted that the embodiment taught in Fig. 10 and at [0044] includes a heat sink 208 with the light at one end and heat sink 314 at the other end, and 314 is in the handle as shown. It does not include the epoxy surrounding 208 as taught, and as such, the embodiment of Fig. 10 is being modified by changing the type of thermally conductive material used which is suggested by the reference as pointed out. The embodiment in Figs. 7-9 also show that epoxy is a known heat sink material and also shows that it is known to use such material to surround electric circuitry.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Wilson
Primary Examiner
Art Unit 3732

jjw
May 13, 2006